IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.184 OF 2006

M/s.Bhagwan Das & sons. ...Petitioner.

vs.

1. Union of India & others. ...Respondents.

Mr.U.S.Samudrala, ,for Petitioner.

None for Respondents.

CORAM: D.K.DESHMUKH,J.

DATED: 4th September,2006.

P.C.:-

1. By this petition filed by the petitioner under section 34 of the Arbitration and Conciliation Act,1996 the petitioner challenges the Award made by the learned Arbitrator against claim no.3. I have heard the learned Counsel appearing for petitioner. I have gone through the record. I find that the findings of the learned Arbitrator on the dispute turn on the appreciation of evidence produced by the parties on record. It was urged before this Court that after the sieve analysis was made stake could not be remeasured as per the terms of the contract.

But perusal of the Award shows that this argument was not made before the learned arbitrator and in the petition there is no ground that though the petitioner urged before the learned Arbitrator that after sieve analysis the stake cannot be remeasured in view of the terms of the contract, the learned Arbitrator has not considered this point. In this view of the matter therefore, considering the extremely limited jurisdiction of this Court under Section 34 of the Act to interfere with the Award made by the learned Arbitrator, the petition cannot be entertained. Hence, the petition is disposed of.